

## Force Options

**The task force commander's mission** is to help restore law and order. In carrying out this mission, the task force commander ensures that only minimum force is used. In selecting an operational approach to a civil disturbance situation, the commander and his staff must adhere scrupulously to the "minimum necessary force" principle. For example, crowd control formations or riot control agents must not be used if saturation of an area with troops will suffice. The presence of large numbers of troops can prevent the development of situations in which the use of deadly force is necessary. A large reserve of troops should be maintained during civil disturbance operations. Knowing that a large reserve force is available builds morale within the control force and helps prevent them from overreacting to provocative acts by disorderly persons. Any doubts about the number of troops required usually should be resolved in favor of large numbers.

Every effort is made to avoid appearing as an invading force. The commander has many troops at his disposal. But he commits them only when and in the numbers necessary. When he does commit troops, he ensures that they function in a highly organized and disciplined manner. The control force must present the image of a restrained and well-disciplined force whose sole purpose is to assist in restoring law and order with a minimum loss of life and property and with due respect for those citizens whose involvement may be purely accidental. While control force personnel must be visible, their tactics or force concentrations should be those that will calm rather than those that may excite.

All troops, before taking part in civil disturbance operations, must be briefed on—

- The background of the situation and the specific mission of the unit.

- Rules governing the application of force as they apply to the specific situation.
- The psychological aspects of the local situation, specifically addressing types of abuse that the troops can expect to receive and the proper responses to that abuse.
- Identification to be used by news media representatives and civil officials, if known.
- The special orders contained on GTA 21-2-7.

When the troops arrive at the disturbance area, they must know and understand operational restrictions and the permissible degrees of force. They must have a written copy of the special orders. All troops must understand and comply with the special orders.

The intent of the special orders is to achieve a balance in the use of force and thereby avoid indiscriminate firing in civil disturbance situations while protecting the soldier's right of self-defense. These special orders can be supplemented by additional written orders for special posts, positions, or operations. Such orders must be as simple and brief as possible.

Each unit commander must ensure that his troops have all the personal protective equipment needed for civil disturbance operations. Civil disturbance equipment is not stockpiled or issued in quantity. It is requested or acquired when it is needed. Generally, each soldier's equipment consists of the battle dress uniform, a helmet, a faceshield, a flak or protective vest, a pistol belt, a first-aid kit, a canteen, a protective mask, leather gloves, and a body shield (2 1/2 feet x 4 1/2 feet). Protective vests are required when violence is expected. The vest protects the vital organs in the torso. On the other hand, protective vests are heavy and cumbersome. In very hot weather, they may increase the risk of heat injuries. There is a trade-off between protection and a loss of effectiveness, mobility, and visibility caused by the equipment.

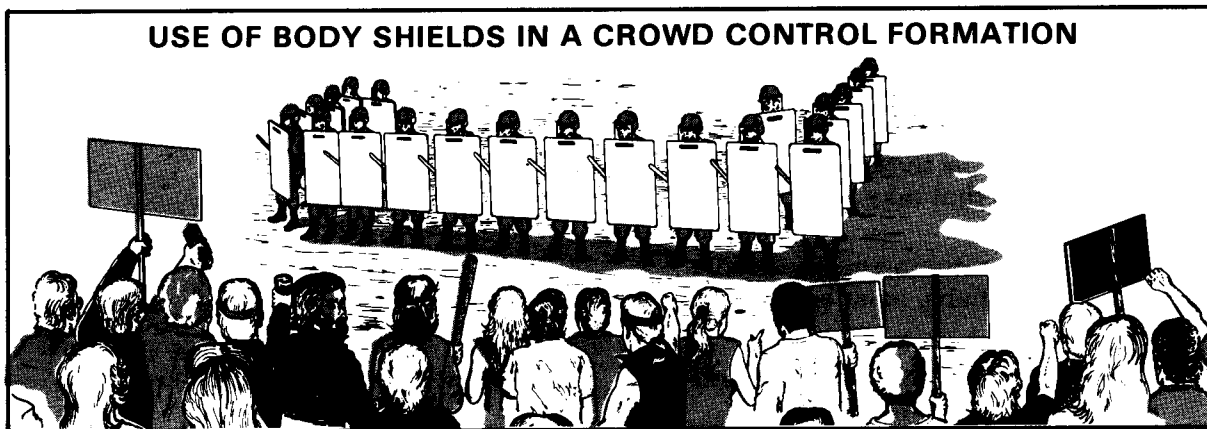
The helmet and the faceshield protect the head and face. Protective masks are vital items when CS agents and/or smoke are present during a civil disturbance. The soldiers must know how to use the mask in

stressful situations. The masks, especially when worn with the hood, can increase the risk of heat casualties. They limit the amount of strenuous activity that soldiers can perform. Proper training is the best way to reduce the disadvantages of wearing the protective mask. The protective mask carrier is worn in the front to give added protection to the groin area.

The black leather gloves with inserts protect the hands. However, soldiers using equipment or weapons may not need the protection of the gloves. They may need flexibility more than protection.

Body shields provide protection that complements the protective vest. They may replace the flak vest altogether. Body shields are very effective protection against thrown objects. When pushing back a crowd, body shields deny demonstrators something to grab. When body shields are used in groups or formations, they provide a protective wall for rescue forces and have strong psychological effects on the crowd. The Army does not stock body shields. However, they may be purchased locally from police equipment manufacturers or distributors. Body shields also may be constructed locally using aluminum sheets. In any case, they must be sturdy and lightweight. They must cover the body's width from the chin to the knees. If the resources are available, viewing slits can be cut in the shields approximately 6 inches from the top.

#### USE OF BODY SHIELDS IN A CROWD CONTROL FORMATION



Hand irons are needed for apprehensions. The use of hand irons requires special training to avoid damaging the detainee's wrists and to ensure their efficient use. Hand irons require a key to double-lock and to open them. A good alternative to hand irons are flexcuffs. Flexcuffs require minimum training. One soldier can carry several without hindering his mobility. Flexcuffs require no equipment for applying them. But they require wire cutters to take them off and to clip off the tail end after application.

Riot control agents have many advantages over other measures. They have an immediate effect on large groups of people without causing permanent harm. Riot control agents, when properly used, disperse large crowds without troops having to come into contact with the crowds. The troops must understand the capabilities and limitations of riot control agents in order to use them in the safest and most efficient manner. Only the task force commander has the authority to order the use of riot control agents. Based on the situation, he may delegate this authority to qualified personnel.

People do not easily develop a tolerance to riot control agents. But experience and knowledge tend to reduce the fear that gives the control force an added psychological advantage. Riot control agents lose some of their advantages in crowd control as they are more widely used and understood.

Short of masking, there are no effective defensive measures against a well-planned and executed riot control agent deployment. Surplus masks and other types of masks are available to the public. Troops can expect masks to be used by highly motivated members of the crowd. Therefore, riot control agents are not a cure-all. They are a tool that must be used in conjunction with well-trained and well-equipped troops.

The commander may elect to arm his troops with riot batons, shotguns, or rifles.

But his choice will always be consistent with the principle of using only the minimum force needed to accomplish the mission.

The task force commander is authorized to issue live ammunition to troops under his command. But he must ensure positive control over the loading and the firing of weapons. Guidance concerning placing magazines in weapons must be specified when the ammunition is issued. Individual soldiers must be instructed, however, that they may not place a round in the chamber unless authorized by an officer or, if they are not under the direct control and supervision of an officer, unless circumstances justify the use of deadly force. Retention of control over the loading of weapons by an officer until the need for such action is clearly established is of critical importance in preventing the unjustified use of deadly force. Whenever possible, command and control arrangements must be specifically designed to facilitate careful control of deadly weapons. Planners must realize that if a participant in the disturbance seizes a loaded weapon from a control force member, the potential for escalated violence will increase greatly.

The presence of loaded weapons in tense situations may invite the use of deadly force in response to provocations that, while subject to censure, are not sufficient to justify its use. It also increases the hazard that an improper discharge of a weapon by one or more soldiers will lead others to fire reflexively on the mistaken assumption that an order to fire has been given. Officers must be clearly instructed that they have a personal obligation to withhold permission for loading until circumstances indicate that deadly force will very likely be necessary and justified. Strong command supervision ensures that the loading of weapons is not authorized in a routine, premature, or blanket manner.

Task force commanders must exercise positive control over the use of weapons at all times. Each soldier must be instructed

that he may not fire his weapon except when authorized by an officer or when he is not under the direct control and supervision of an officer and circumstances justify the use of deadly force. He must be thoroughly acquainted with not only the prerequisites for the use of deadly force, but also that whenever he is operating as a part of a unit or element under the immediate command and control of an officer, the officer decides whether the firing of live ammunition is necessary. For this reason, control force members should have ready access to an officer.

The use of deadly force can be justified only by extreme necessity. Accordingly, its use is not authorized for the purpose of preventing activities like curfew violations or looting that do not pose a significant risk of death or serious bodily harm. If a mission cannot be accomplished without the use of deadly force, but deadly force is not permitted under the guidelines authorizing its use, the mission must be delayed until sufficient nondeadly force can be brought to bear. The commander reports the situation and seeks instructions from higher authority. The use of deadly force is authorized only when all of the following conditions exist:

- Lesser means have been exhausted or are unavailable.
- The risk of death or serious bodily harm to innocent people is not significantly increased by its use.
- The purpose of its use is one or more of the following:
  - Self-defense to avoid death or serious bodily harm.
  - Prevention of a crime that involves a substantial risk of death or serious bodily harm, such as setting fire to an inhabited dwelling or sniping, including the defense of other people.

- Detention or prevention of the escape of a person who, during detention or while escaping, presents a clear threat of loss of life or serious bodily harm to another person.

Every soldier has the legal right to use reasonably necessary force to defend himself against violent and dangerous personal attack. The limitations described above are not meant to infringe on this right. However, it must be emphasized that a control force member is part of a unit and is subject to a chain of command. As such, he must act in accord with his orders and as a member of a unit. Therefore, unless an attack is directed at him personally and unless his response can be directed specifically at the attacker, his response must be governed by the guidance of his immediate supervisor.

In the United States and its territories, the acts of individual soldiers are subject to civil laws as well as the provisions of the UCMJ. Reckless or malicious use of force may subject soldiers to civil or criminal liability under local law or to administrative or criminal liability under military law. The US Code guarantees any member of the Armed Forces the right to trial before a federal court, rather than a state court, for any charge or claim against him for any act committed while performing his official duties. Acts found to be outside the scope of military authority can result in the loss of this right. In a criminal prosecution, civil courts ordinarily do not convict a subordinate for acts done in good faith while obeying orders from superiors. However, if an act is so obviously illegal that it would be immediately apparent to a reasonable person, obeying the order probably would not be a valid defense.

In each situation where federal forces are committed, the task force commander must determine which facilities within his area of operation constitute vital facilities and, as such, justify the use of deadly force in protecting them. Those troops assigned to

security missions must know if a particular facility or activity is so vital to the health and safety of the public that the use of deadly force would be justified to protect it.

The degree of force authorized for securing a facility must be consistent with the rules of force. The task force commander must ensure that a community's or an installation's vital facilities are designated as such. Vital facilities can be protected by the use of deadly force if the prerequisites for using deadly force exist.

In addition, the following policies regarding the use of deadly force must be observed:

- Task force commanders, at their discretion, may delegate the authority to authorize the use of deadly force if such delegation is consistent with the policies that follow and if the person to whom such delegation is made understands the constraints on the use of deadly force.
- Even when the use of deadly force is authorized pursuant to established constraints, it must be employed with great selectivity and precision against the particular threat that justifies its use. For example, receiving sniper fire—no matter how deadly—from an

unknown location can never justify returning fire against any or all persons who may be visible on the street or in nearby buildings. Such an indiscriminate response is far too likely to result in casualties among innocent bystanders or fellow law enforcement personnel. The appropriate response is to take cover and to try to locate the source of fire so the threat can be neutralized, either through negotiation or by force.

- When possible, the use of deadly force should be preceded by a clear warning to the person or group that the use of deadly force is contemplated or imminent.
- Warning shots must not be used. They constitute a hazard to innocent people and can lead citizens and fellow law enforcement personnel to mistakenly believe that sniping is widespread.
- When firing, the marksman should aim to wound rather than to kill if it is at all possible.

Task force commanders may use force to control a disturbance, to prevent crimes, and to apprehend or detain people who have committed crimes. But the degree of force used must be no greater than that reasonably necessary under the circumstances.